

Docket No.: JAEC-10213
Application No.: 10/810,478
Amendment Date: May 26, 2006
Reply of Office Action of: March 8, 2006

REMARKS

Claims 15-21, 27-28, and 30 are currently pending in the application. Applicants have canceled claims 22-26, 29, and 31-43, and amended claims 15, 17, and 20. Applicants request reconsideration of the application in light of the following remarks.

Request to Admit the Amendment

Applicant believes that the foregoing amendment [complies with the Examiner's requirement of form and further believes that this amendment] presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claim(s) 15-21, 27-28, and 30, and provides the necessary recitation of relationships between the claimed elements to define over the prior art. The amendment was not previously presented as it was clear that the additional recitation was needed to more explicitly define the relationships. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

Telephone Interview

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on May 5, 2006. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that this amendment and the comments below reflect the spirit of the interview. In particular, Applicant has complied with the Examiner's suggestion by relating structural aspects of the body receiver to directional/positional details of the vehicle body in independent claim 15. Thus, claim 15 now explicitly defines over the art relied upon by the Examiner, and all the other remaining

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claims depend from claim 15. Therefore, the claims are now considered to be allowable and an indication of the same is earnestly solicited.

Applicant has included herewith the artifact included as Exhibit A in an appendix per the request by the Examiner. The document of Exhibit A corresponds to the non-patent literature included in the IDS filed with the original application. The Examiner indicated that the copy in his possession is a scanned copy, and requested a copy with this response. As discussed in the interview Applicant does not consider this document to be prior art relative to his invention. Applicant can provide evidence that he conceived of the present invention prior to any dates on the document. Furthermore, Applicant believes that the structures shown in the document lack currently claimed elements.

Indication of Condition for Allowance

Applicant wishes to thank the Examiner for the indication of condition for allowance for the above referenced application pending resolution of a few formalities with regard to recitation of structure that is clearly different from that of the prior art relied upon by the Examiner. Applicant believes that the present amendment clearly satisfies the Examiner's requirement of explicit relational details relative to directional/positional aspects of the vehicle body, and that all other formal matters have been resolved. Thus, it is believed that the application is in condition for allowance, and Applicant respectfully requests the same.

Rejections under 35 U.S.C. §112

Claims 20-21, and 29 stand rejected by the Examiner under 35 U.S.C. 112. In accordance with this rejection, the claims have been amended to comply with the Examiner's suggestions to cancel the matter was causing the indefiniteness. Thus, Applicant has deleted the portion of claim 20 that was unclear to the Examiner, and canceled claim 29 altogether.

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Therefore, claim 20-21 and 29 now definitely conform with Section 112. Applicants respectfully request that the rejection of claims 20-21 and 29 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 15-21 and 27-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harris et al. (U.S. Patent No. 6,170,896, hereinafter “Harris”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Harris is relied upon as having a body receiver (hole 44). In accordance with the discussion in the telephone interview with the Examiner, the Examiner holds that a longitudinal aspect of the hole 44 could have been taken to be transverse, for example, to a direction of insertion of element 38 of Harris. The claim has been amended to more explicitly interrelate the lengthwise orientation of the body receiver as being transverse to a direction of travel of the vehicle.

In particular, claim 15 has now been amended to make clear that the body receiver includes structure that forms the body receiver and defines a length and a width of the body receiver, that the length of the body receiver is greater than the width of the body receiver, and that the length of the body receiver extends transverse to the direction of travel of the vehicle body. This relationship is achieved, at least in part, by defining the direction of travel as being aligned with the front to rear aspect of the vehicle body, and by defining the transverse direction as being in a lateral (or side to side) direction that is transverse to the direction of travel of the vehicle.

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Furthermore, claim 15 also recites that “said body receiver opens out through a side wall of the vehicle body”, which would not be possible if the lengthwise aspect or depth dimension of the body receiver of the present invention were aligned with the direction of travel of the vehicle. Therefore, claim 15 explicitly defines over Harris.

Claims 16-21 and 27-28 are considered to be patentable as depending from an allowable base claim 15 and as including further patentable features as may be appreciated by the Examiner.

Claims 15, 17 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 6,199,894, hereinafter “Anderson”). Applicant respectfully traverses this rejection and request reconsideration of the claims.

Anderson is relied upon as having a receiver that apparently includes an inside portion of C-channel 41 and laterally extending through hole 58. The only lengthwise aspect of this combination of elements extends in the direction of travel of the truck of Figure 1 of Anderson. Hence, the recitation added to claim 15 that explicitly recites the length of the body receiver as being transverse to the direction of travel is considered to define over the reference to Anderson for reasons similar to those set forth above in the remarks regarding the reference to Harris.

That is, claim 15 has been amended to more explicitly interrelate the lengthwise orientation of the body receiver as being transverse to a direction of travel of the vehicle.

Furthermore, claim 15 also recites that “said body receiver opens out through a side wall of the vehicle body”, which would not be possible if the lengthwise aspect or depth dimension of the body receiver of the present invention were aligned with the direction of travel of the vehicle. Therefore, claim 15 explicitly defines over Anderson.

Claim 17 is considered to be patentable as depending from an allowable base claim and as including further patentable features as may be appreciated by the Examiner.

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Claim 30 is considered to be patentable as depending from an allowable base claim and as including further patentable features as may be appreciated by the Examiner.

Applicants respectfully request that the anticipation rejections of claims 15-21, 27-28 and 30 be withdrawn.

Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claims 15-21, 27-28, and 30 over the prior art relied upon if the claims could be amended to explicitly interrelate the directional/positional aspects of the body receiver to the vehicle body in a manner that clearly defines over the prior art references relied upon. Applicant wishes to thank the Examiner for this indication of allowable subject matter.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added no new claims, resulting in no fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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